



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,615	12/02/2005	Youichi Nanba	Q76011	1679
23373	7590	03/04/2010	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				CHUO, TONY SHENG HSIANG
ART UNIT		PAPER NUMBER		
1795				
			NOTIFICATION DATE	DELIVERY MODE
			03/04/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Response to Amendment/Arguments

1. Claim 1 has been amended to incorporate the recitations from claims 6 and 14. The amendment changes the scope of the claims that depend on claim 1. Therefore, the amendment raises new issues that would require further search and/or consideration.

In addition, the applicant argues that the particle size and roundness of the particles as defined in amended claim 1 are not disclosed or suggested from the disclosure of Yamada.

In response, the examiner maintains the contention that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yamada negative electrode material to include carbonaceous particles that have an average particle size of 10 to 40 μm and an average roundness of 0.85 to 0.99 because changes in size were held to be obvious (*In re Rose* 105 USPQ 237 (CCPA 1955)). In addition, the applicant has not provided any evidence of criticality of the claimed range of the average particle size and average roundness of the carbonaceous particles.

TC

/Jonathan Crepeau/
Primary Examiner, Art Unit 1795